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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
| 08/858,586 | 05/19/97 | COWIESON | B 49617-P020US |
| | | LMC1/0606 | EXAMINER HARVEY, M |
| | | | ART UNIT 2747 |
| | | | PAPER NUMBER 06/06/00 |
| DATE MAILED: 06/06/00 | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

| | |
|--------------------------------------|---------------------------------------|
| Application No. 08/858,586 | Applicant(s) COWIESON et al |
| Examiner Minsun Oh Harvey | Group Art Unit 2747 |

Responsive to communication(s) filed on Mar 20, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- Claim(s) 1, 3-14, 16-18, 20, 21, 23-25, 27-30, 33-35, 37-43, 55-59, 61-66, 68-72, ar is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) 1, 3-14, 16-18, 20, 21, 23-25, 27-30, 33-35, 37-43, 55-59, 61-66, 68-72, 76-79, e is/are allowed.
- Claim(s) 80 is/are rejected.
- Claim(s) 81 is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been
- received.
- received in Application No. (Series Code/Serial Number) _____
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 6
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2747

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 80 is rejected under 35 U.S.C. 102(b) as being anticipated by Kim.

Kim discloses a system for accepting a plurality of input signals for presentation to a plurality of speakers (fig. 4) and the system comprising means for creating virtual sound images by expanding in pairs certain of the input signals for presentation to the plurality of speakers (45); means for creating virtual sound images by expanding in pairs others of the input signals for presentation to the plurality of speakers (48); and means for summing the expanded signal pairs for presentation to the plurality of speakers when the number of the plurality of speakers is less than the number of the plurality of input signals (adder before EL and ER).

2. Claim 81 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding applicant's remark on claim 81, as described above, Kim does disclose "means for creating virtual sound images.....".

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Oh Harvey whose telephone number is (703) 308-6741.



**MINSUN OH HARVEY
PRIMARY EXAMINER**

June 4, 2000